

Seeking Solutions to the Ever-Growing Dilemma of Securing Housing for Sex Offenders



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Direction of Presentation

Learning objectives:

- Enhance the attendees' knowledge on the nature of sex offenders and offenses
- Enhance the attendees' knowledge of sex offender related legislation
- Enhance the attendees' knowledge regarding sex offender housing and the barriers to develop and maintain such housing

Sex Offender

What does that mean to you?

Startling Info from Jensen and Jensen – Understanding and Protecting

Your Children From Child Molesters and Predators

<http://www.wcsap.org/sites/wcsap.huang.radicaldesigns.org/files/uploads/documents/ProtectingYourChildren.pdf>

- "The FBI estimates that there is a sex offender living in every square mile of the United States. One in ten men has molested children. Most child molesters are able to molest dozens of children before they are caught and have a three percent (3%) chance of being apprehended for their crimes. Boys and girls are at nearly equal risk to be abused and almost a quarter will be molested sometime before their 18th birthday. Fewer than five percent (5%) will tell anyone. The overwhelming majority of child victims are abused by someone they know and trust, someone most parents would never suspect."

Who are sex offenders?



Keep in Mind...

- The offender is not usually the greasy looking old man in a trench coat lurking in the bushes.
- Research indicates that over 90% of child sex abuse victims know their abuser – neighbors, relatives, ministers, music teachers, coaches, and the list goes on and on...

Spectrum of Offenses

- Child Pornography*
- Sexual Exploitation
- "Hands-Off Offenses" (Voyeurism & Exhibitionism)
- Minimal Contact Offenses (Frotteurism)
- Aggressive "Non-Violent" Offenses
- Forcible Penetration Offenses
- Sadistic/Ritualistic Offenses
- Sexual Homicide

Sex Offender Laws

Illinois Sex Offender Registration Act

730 ILCS 150/

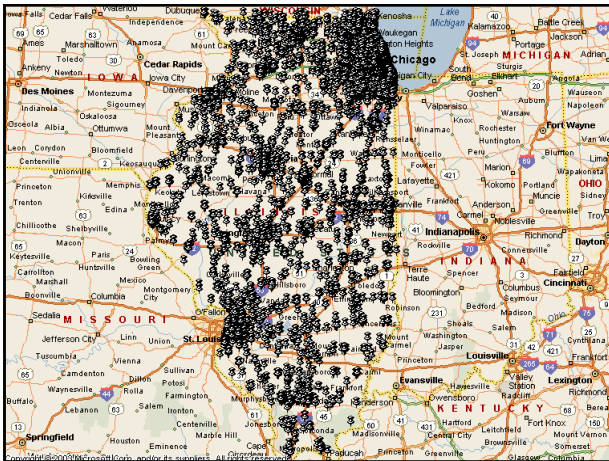
Sex Offender Registry

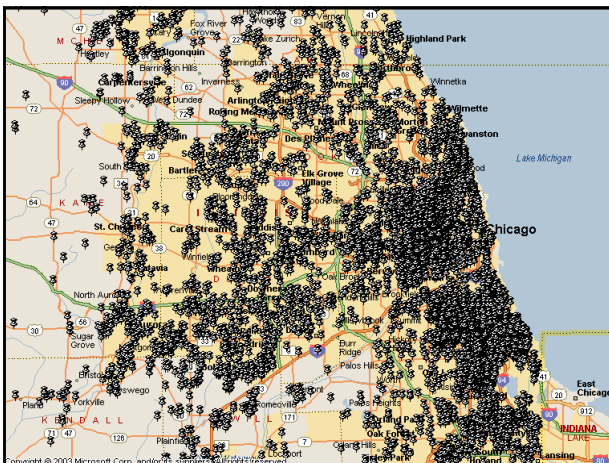
- The Illinois Sex Offender Registry is maintained by the Illinois State Police. It can be found at the following web address:

<http://www.isp.state.il.us/sor/>

Residency Restrictions









11-1.6 indecent solicitation of a child	11-9.1 sexual exploitation of a child
11-14.3(a)(1) soliciting for a juvenile prostitute	11-18.1 patronizing a juvenile prostitute
11-1.50 criminal sexual abuse	10-1 kidnapping
10-2 aggravated kidnapping	10-3 unlawful restraint
10-3.1 aggravated unlawful restraint	10-4 forcible detention
10-5 (b)(10) child abduction	11-6.5 indecent solicitation of an adult
11-9.2 custodial sexual misconduct	11-9.5 sexual misconduct w/p with disability
11-11 sexual relations within families	11-14.3(a)(1) promoting prostitution
11-14.3 (a)(2)(a) promoting prostitution	11-14.3 (a)(2)(c) promoting prostitution
11-14.4(a)(4) exploitation of a child	11-14.4(a)(2) & (a)(3) juvenile pimping
11-20.1 child pornography	11-20.1 (B) aggravated child pornography
11-1.20 criminal sexual assault	11-1.30 aggravated criminal sexual assault
11-1.40 predatory criminal sexual assault	11-1.60 aggravated criminal sexual abuse
11-25 grooming	11-26 traveling to meet a minor
12-33 ritualized abuse of a child	11-9.1(a) permitting sexual abuse of a child
11-9 public indecency, when committed on school property	
14-14(a)(1) keeping a place of juvenile prostitution	

10-1 kidnapping	10-2 aggravated kidnapping
10-3 unlawful restraint	10-3.1 aggravated unlawful restraint
10-4 forcible detention	10-5 (b)(10) child abduction

Residency and loitering restrictions remain with all offenders even after the individual has completed his/her registration requirements.

Since the individual still has the conviction on his/her criminal history, the individual is still considered a child sex offender but does not have registration requirements.

These requirements do not pertain to adjudicated delinquents.

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720 ILCS 5/11-9.3 – residency restrictions

- A child sex offender cannot reside within 500 feet of a school or property comprising a school where any persons under the age of 18 attend, unless the sex offender owned the house/property prior to 7-7-2000.
- According to 5/11-9.3 (c)(2.5)(ii) ...those individuals convicted of 11-1.50 (b) & (c) - criminal sexual abuse - are *excluded* from the residency restrictions
- The 500 foot distance shall be measured from edge of property to edge of property.

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720 ILCS 5/11-9.3 – residency restrictions

- Child sex offenders cannot knowingly reside within 500 feet of a playground, child care institution, day care center, part time child care facility, or a facility providing programs and services exclusively directed toward persons under 18 years of age.
 - For a playground or an exclusive facility, if the CSO owned the property and it was purchased prior to 7-1-00, they may reside there.
 - For child care institutions, day care centers, and part time day care centers, if a CSO owned the property and it was purchased prior to 6-26-06, they may reside there.

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720 ILCS 5/11-9.3 – residency restrictions

- Day care home and group day care home have been added to the residency restrictions ... unless the property was owned by the sex offender prior to 8-14-08.
 - "Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household.
 - "Group day care home" means a family home which receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.

720 ILCS 5/11-9.3 – residency restrictions

Child sex offenders cannot knowingly reside within 500 feet of the victim of the sex offense if the victim is under the age of 21, unless the sex offender owned the property and it was purchased prior to 8-22-02.

720 ILCS 5/11-9.3 (schools)

It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present.

720 ILCS 5/11-9.3 (schools)

The exception to this is if the child sex offender is a parent or guardian and is...

- o Attending a conference with school personnel to discuss the progress of his/her child academically or socially
- o Participating in child review conferences in which evaluation and placement decisions may be made with respect to the child and special education services or
- o Attending conferences to discuss other student issues concerning the child's retention or promotion

**The child sex offender must still notify the principal of the school of his/her presence at the school*

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720 ILCS 5/11-9.3 (schools)

- Or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal.
- In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present.
- If the sex offender has been granted permission to be on school property: the sex offender is responsible for notifying the principal's office when he/she arrives on school property and when he/she departs. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official.

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720 ILCS 5/11-9.3 (schools)

- (a-5) Provides that it is a Class 4 felony for a child sex offender to knowingly be present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site.
- (b) A child sex offender cannot knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present...unless for the reasons described before.

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720 ILCS 5/11-9.3 (parks)

- Child sex offenders cannot knowingly be present in any public park building or on real property comprising a park when persons under the age of 18 are present and approach, contact, or communicate with a child unless the offender is the parent or guardian of a person under the age of 18 present in the building or on the grounds.
- Child sex offenders cannot knowingly loiter on a public way within 500 feet of a public park building or property comprising any public park while persons under the age of 18 are present and approach, contact, or communicate with a child unless the offender is the parent or guardian of a person under the age of 18 present in the building or on the grounds .
- "Public park" includes a park, forest preserve, bikeway, trail or conservation area under the jurisdiction of the State or a unit of local government.
- Any person who violates this section is guilty of a Class 4 felony.

720 ILCS 5/11-9.4-1 Presence in Parks

effective 1-1-2011

- Both child sex offenders and sexual predators (age of the victim does not matter) are prohibited from being present or loitering in or near a public park.
- Public park includes a park, forest preserve, bikeway, trail or conservation area under the jurisdiction of the State or a unit of local government

720 ILCS 5/11-9.4-1 Presence in Parks

- It is unlawful for a sexual predator or a child sex offender to knowingly be present in any public park building or on real property comprising any public park.
- It is unlawful for a sexual predator or a child sex offender to knowingly loiter on a public way comprising any public park.
- Any person who violates this section is guilty of a Class A misdemeanor.

Effective January 1, 2013

- Bikeway and trail are added to the definition of a public park in both 9.3 and 9.4-1.

"Public Park" includes a park, forest preserve, bikeway, trail, or conservation area under the jurisdiction of the State or a unit of local government.

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Other Restrictions for Child Sex Offenders

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Effective January 1, 2013

■ 720 ILCS 5/11-9.3 is amended ... it is unlawful for a child sex offender to **participate in a holiday event** involving children under 18 years of age, including but not limited to distributing candy on Halloween.

* exception: those convicted of 11-1.50 (c) or those child sex offenders who are a parent/guardian of children under 18 that are present in the home and other non-familial minors are not present.

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Effective January 1, 2014

- 720 ILCS 5/11-9.3 (a-10) is amended ... it is unlawful for a child sex offender to knowingly be present in any public park building, a playground or recreation area within any publicly accessible privately owned building, or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

720 ILCS 5/11-9.3

- It is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any:
 - (i) facility providing programs or services exclusively directed towards persons under the age of 18;
 - (ii) day care center;
 - (iii) part day child care facility;
 - (iv) child care institution, or
 - (v) school providing before and after school programs for children under 18 years of age.

720 ILCS 5/11-9.3

- It is unlawful for a child sex offender to knowingly operate, manage, be employed by, or be associated with any county fair when persons under the age of 18 are present.

720 ILCS 5/11-9.3

Effective 8/4/09

- Provides that it is unlawful for a child sex offender to knowingly *operate*, whether authorized to do so or not, any of the following vehicles:
 - a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited to an ice cream truck; an authorized emergency vehicle; or a rescue vehicle.

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720 ILCS 5/11-9.3

Effective 8-14-08

It is a Class 4 felony for a child sex offender to knowingly offer or provide any programs or services to persons under 18 years of age in his or her residence or the residence of another or in any facility for the purpose of offering or providing such programs or services, whether such programs or services are offered or provided by contract, agreement, arrangement, or on a volunteer basis.

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720 ILCS 5/11-9.3

Effective 1-1-09

This Act makes it unlawful for any child sex offender who owns and resides at a residential real estate unit to knowingly rent any residential unit within the same building in which he or she resides to a person who is a parent/guardian to an individual under the age of 18.

This only applies to leases or other rental agreements entered into after 1-1-09.

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Sex Offender Housing

Public Act 94-0161 Housing

- Transitional Housing for sex offenders in the State of Illinois is governed by 20 Illinois Administrative Code Part 800. This administrative code was created after the passage of House Bill 350 during the 94th legislative session (Public Act 94-0161). This particular piece of legislation places limits on sex offenders who are on supervision. The legislation prohibits a sex offender on parole or probation from living at the same address, apartment building, apartment complex, condo, or condo complex as another person who is a sex offender unless they reside in a licensed facility. The legislation requires the Illinois Department of Corrections to license transitional living homes for sex offenders.

Public Act 94-0161 HB 350

- This residency requirement does not include sex offenders residing in Department of Corrections licensed transitional housing facilities, any facility operated or licensed by DCFS or DHS, or any licensed medical facility.

Public Act 94-0161

Housing

The following illustrates the requirements for transitional living facilities for sex offenders as set forth by the code.

- The facility must be located more than 500 feet from any school, day care, facility providing programs or services exclusively directed toward persons under 18 years of age, or playground.
- The facility must have a physical structure that provides for security measures 24 hours per day and seven days per week. Security has been defined by IDOC as a registered security guard in the State of Illinois as per 225 ILCS 447.
- The facility must limit residential occupancy of the facility to individuals over the age of 18.

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Public Act 94-0161

Housing

- The number of offenders that can be housed in the home is dependent on the type of license that the home has. Transitional Housing licenses are issued for the specific level of the facility.
 - 1) Level I licenses shall be issued to facilities that may house more than one but not more than 20 sex offenders on parole, probation, or supervision.
 - 2) Level II licenses shall be issued to facilities that have a Department of Human Services license under 77 Ill. Adm. Code 2060 and that have fewer than ten sex offender residents, or no more than ten percent of the total residency be sex offenders on parole, probation, or supervision, whichever is less.

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Public Act 94-0161

Housing

- The facility must provide housing to sex offenders on parole, probation, or supervision for a period not to exceed 90 days, unless otherwise approved by the Director of the Department or designee.
- The facility must have a transitional housing manager on site 24 hours a day/seven days a week. The facility must employ a case manager for every 20 sex offenders.
- The facility must provide a structured environment for congregate living that shall offer regular scheduled group sessions that are held a minimum of three days per week

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Public Act 94-0161

Housing

- The facility must submit treatment and counseling plans for each sex offender to the Director (or designee) for review and approval.
- The facility must have a written linkage agreement or agreements with Sex Offender Management Board certified providers to provide the opportunity of sex offender treatment.
- The facility must provide a referral network to be utilized by sex offenders for necessary medical, mental health, substance abuse, and vocational or employment resources, and maintain any legally required confidentiality of identifying information.

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Public Act 94-0161

Housing

- The facility must have the ability for all sex offenders to be monitored electronically and allow access, by technicians maintaining the electronic monitoring equipment, to the premises as necessary.
- The facility must notify the police department, public and private elementary and secondary schools, public libraries, and each residential home and apartment complex within 500 feet of the transitional housing facility of their initial licensure as a transitional housing facility, and of their continuing operation as a transitional housing facility annually thereafter.
- Upon their initial licensure as a transitional housing facility and during their licensure, each facility shall maintain at their main entrance a visible and conspicuous exterior sign identifying themselves as, in letters at least 4 inches tall, a "Department of Corrections Licensed Transitional Housing Facility".

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Public Act 94-0161

Housing

- Upon their initial licensure as a transitional housing facility, each facility shall file in the office of the County Clerk of the County in which such facility is located, a certificate setting forth the name under which the facility is, or is to be, operated, and the true or real full name or names of the person, persons or entity operating the same, with the address of the facility. Notice of the filing of such certificate shall be published in a newspaper of general circulation published within the county in which the certificate is filed.
- Each licensed transitional housing facility shall be identified on the Illinois State Police Sex Offender Registry website, including the address of the facility together with the maximum possible number of sex offenders that the facility could house.

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Where has this taken us...

Sex Offender Housing

- Transitional homes for sex offenders that IDOC and other agencies utilized in the past have been closed.
- Various agencies have attempted to open licensed facilities and all but one has been closed due to various reasons – city ordinance passage, community resistance, etc.

The Problem

- This has created an inability for IDOC and other agencies to secure housing for sex offenders on parole or other types of supervision.
- Just to give you a perspective, IDOC, at any given time, has approximately 1200 offenders who should be on parole, but cannot be released as they have no approved site in which to reside.
- Offenders then eventually discharge from custody with no supervision or treatment requirements.

Discussion/Questions

Statutes to Know:

730 ILCS 150 Sex Offender Registration Act

730 ILCS 152 Sex Offender Community
Notification Act

720 ILCS 5 Sex Offenses

720 ILCS 5/11-9.3 & 9.4-1 Restrictions

Contact Info

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